MARIA CONCHITA HERNANDEZ # 96-01262-001-J
FEDERAL CORRECTIONAL CAMP
P.O. BOX 5100
ADELANTO, CA. 92301

FILED
DEC 14 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT FOR
SOUTHERN DISTRICT CALIFORNIA

'07 CV 2355 J

UNITED STATES OF AMERICA
RESPONDENT

V

MARIA CONCHITA HERNANDEZ
PETITIONER

CRIMINAL CASE # 96-01262-001J

AFFIDAVIT IN SUPPORT OF § 2255 MOTION.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I Maria Conchita Hernandez, being duly sworn, depose and say:

1. I am the petitioner in the above entitled procceeding
2. I make this affidavit in support of my annexed Motion §2255 prosecute the attached petition pursuant to Title 28.
3. Petitioner feel that do to the ineffective assitance of counsel petitioner was deprived of her constitutional rights.
4. Counsel fail to file an appeal and all this create a great perjudice to petitioner.

For all these reasons petitioner pray that this Honorable Court accept this affidavit and grant petitioner an opportunity to have an early release.

Ch

Petitioner Hernandez pray that now that the Sentencing Guidelines are advisory that the Judge can have Mercy for Ms Hernandez , all this years Ms Hernandez have been serving a 15 year sentence and has done more than half of her time she is getting release 2009 and petitioner pray that This Honorable Judge have **MERCY FOR MS. HERNANDEZ**

IMPOSITION OF A SENTENCE

(a) **FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.**

The court shall impose a sentence sufficient but not greater than necessary to comply with the purposes set forth in paragraph (2) on this subsection. The court, in determining the particular sentence to be impose shall consider.

(1). the nature and circumstances of the offense and the history and characteristics of the defendant

(2) the need for the sentence imposed

(A) to reflect the seriousness of the offense to promote respect for the law, and to provide just punishment for the offense

(B) to afford adequate deterrence to criminal conduct

(C) to protect the public from further crimes of the defendant

and

(D) to provide the defendant with needed educationl or vocational training, medical care, or other correctional treatment in the most effective manner

(3) the kinds of sentences available

(4) the kinds of sentence and the sentencing range established for

(A) the applicable category of offense committed by the applicable category of the defendant as set forth in the guidelines issued by the Sentencing Commission pursuant.to section 994 (a)(1) of title 28 United States Code and that are in effect the date the defendant is sentenced or

(B) in the case of a violation of probation or supervised release the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994 (a)(3) of title 28 title 28 United States Code.

(5) any pertinent plicy satement issued by the Sentencing Commission pursuant to 28 U.S.C. 994 (a)(2) that is in effect on the date defendant is sentenced.

(6) the need to avoid unwarranted sentence disparties among defendants with similar records who have been found guilty of similar conduct and

(7) the need to provide restitution to any victims of the offense.

Petitioner Hernandez feel that she deserves the opportunity to be heard

THE SENTENCING GUIDELINES ARE JUST ONE FACTOR IN THE § 3553 (a) ANALYSIS

The Ninth Circuit recently has issued two cases addressing how the courts are to incorporate the guidelines in fashioning a reasonable sentence. See United States v Menyweather, 431 F.3d 692 (9th Cir 2005) United States v Cantrell, F 3d__, 2006 WL 73483(9th Cir 2006). In Menyweather, the court upheld a pre Booker sentence involving a large downward departure. The Court held that since 18 U.S.C. § 3553 (a) includes the guideline range as one of its factors, the district court " must consult those Guidelines and take them into account when sentencing 431 F.3d at 696. "Also because § 3553 (a) demands consideration of the Sentencing Commissio's policy statements, courts likewise under consider whether the Guidelines provide authority to depart." Id. As such the appellate court considered whether the district court began with the correct guidelines and found that it had not abused its discretion in its downward departure. Id at 697. In Cantrell, the Ninth Circuit expanded on how the appellate court would review for reasonableness. The court found that it would first consider whether the district court had erred in calculating the correct guideline range. If not the court would "next consider challenges to the reasonableness of the overall Guideline range. Cantrell, ___F.3d at II.B.

Ms Hernandez respectfully submits that the many factors set forth in § 3553 (a) should cause this court to order a resentencing in her case in order that she can apply to this court for a new and different sentence in her case .

Petitioner pray that this Honorable Court Grant Petitioner a reduce sentence and allow her to have a fresh start petitioner pray that this Honorable Judge see that petitioner is not a hardship to society and that the good conduct that she is being having here at the institution would help to grant petitioner the seventeen months that she still needs for her release petitioner pray for mercy and pray that this Honorable court see that do to the ineffective assistance of counsel she was deprived of all her Constitutional Rights all these years and not knowin the law of the United States she was deprived of her Rights. In Strickland v Washington , 466 U.S. 668 (1984), the Supreme Court outlined this two-prong test for ineffective assistnace of counsel. A petitioner must demonstrate that counsel's performance at sentencing fell below an objective standard of reasonableness, and must show a reasonable probability" that but for counsel's errors , the results of the proceedings would have been defferent. Id at 688, 694 . A " reasonable probability" is one "sufficient to undermine conficence in the outcome, " and it is a standard less than proof by a preponderance of the evidence Strickland , 466 U.S. at 694 Loyd v Whitley,977 F.2d 149 (5th Cir 1992) (The proper measure of attorney

CERTIFICATE OF SERVICE

This is to Certified that I Maria Conchita Hernandez deposit this Affidivit on a Federal Correctional Camp in the City of Adelanto, Ca. 92301 On this 8 day of December , 2007

Respectfully Submitted

Maria Conchita Hernandez
Federal Correctional Camp
P. Box 5100
Adelanto, Ca. 92301

19990130UC09

State of California
High School Equivalency Certificate

This is to certify that

MARIA C. HERNANDEZ

has met the standards established by the California State Board of Education for successful completion of the tests of General Educational Development and is therefore entitled to this High School Equivalency Certificate.

DEPARTMENT OF EDUCATION
STATE OF CALIFORNIA

January 30, 1999

President of the California State Board of Education

State Superintendent of Public Instruction

Certificate of Completion

This Certifies that

María Conchita Hernández

Has successfully completed

All phases of the
Residential Drug Abuse Treatment Program
(500 Hours)

this 26th day of April, 1999

Jose A. Nieves
Drug Treatment Specialist

Susannah Feder, Psy. D.
Drug Abuse Program Coordinator

Marie Hernandez

has successfully completed

Nonresidential Drug Treatment

Section 2: Interpersonal Relationships

Federal Prison Camp
Phoenix, Arizona

July 25, 2000

Meredith Smith, M.S.
Contract Drug Treatment Specialist

S. G. Delehanty, Ph.D.
Drug Abuse Program Coordinator

Certificate of Achievement

This certifies that

Marie Hernandez

has satisfactorily completed

Victim Impact Program

Consisting of __12__ Hours of Training

This certificate is hereby issued this __17th__ day of __September__, 20 04

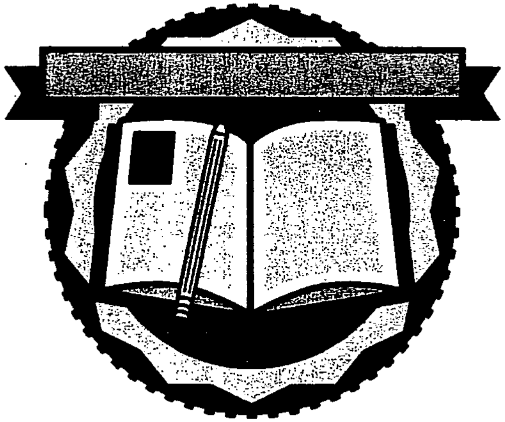
____________________ ____________________

OUTSTANDING

PERFORMANCE

MARIE HERNANDEZ

COMPLETED UNITED FAITHS INC.
THE POWER OF SELF ESTEEM PROGRAM



Rev. Mary Reidel
Presented by:

May 12, 2007
Date

EXCELLENCE

THIS CERTIFICATE IS HEREBY GRANTED TO

HERNANDEZ, Marie

For the successful completion of

MOTHER SUPPORT

On this 21st Day of March , 2004

Certificate of Completion

MARIA HERNANDEZ

has successfully completed the "Introduction to ISO 9001:2000" Training Course and demonstrated competence by passing all quizzes in the course.

Cynthia Weber

President, ISO 9000 Store

Monday, June 07, 2004

United States Government

UNICOR

Federal Prison Industries

Victorville, CA 92394

CERTIFICATE OF COMPLETION

MARIA HERNANDEZ

Has successfully completed the Introduction to ISO 9001:2000, Understanding the Standard ISO, Auditor Training and demonstrated competence by passing a comprehensive examination of the course material.

Congratulations on a job well done. I hope you will continue to exceed in all your endeavors.

Robert Werlinger, Associate Warden Industries & Education

June 7, 2004
Date

MGT-023
Certificate of Completion
07/22/04

Revision No. 0

Certificate of Completion

The Vocational Training Program certifies that

Maria C. Hernandez

has successfully completed 300 hours of study in the
ServSafe Food Preparation Course
at FPC Victorville on January 12, 2007.

F. L. Aguilar, Vocational Instructor

EXAM FORM NO. 4301

CERTIFICATE NO. 5183074

ServSafe®

ServSafe® Certification

TO MARIA C HERNANDEZ

for successfully completing the standards set forth by the National Restaurant Association Educational Foundation for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)–Conference for Food Protection (CFP).

Presented by the National Restaurant Association Educational Foundation

1/8/2007

DATE OF EXAMINATION

1/8/2012

DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.

ANSI

ACCREDITED PROGRAM
American National Standards Institute
and the Conference for Food Protection

Mary M. Adolf
President and Chief Operating Officer
National Restaurant Association Educational Foundation

National Restaurant Association
EDUCATIONAL FOUNDATION
www.nraef.org

©2006 The National Restaurant Association Educational Foundation
05061402 v.0611

Certificate of Completion

This certifies that

Maria Conchita Hernandez

has successfully met the requirements of

BETTER LIVING SERIES

Family Health Lifestyle Seminar

Federal Correctional Complex – Victorville, CA

On this 2nd day of September 2005

Raiford Woods III, Ed.D.

Certificate of Completion

PARENTING CLASS

This certifies that

Maria Conchita Hernandez

Has completed the 3 hour Parenting Class on:

"Self-Esteem for Ourselves and Our Children"

August 5, 1997

Jo Chapman

Jo Chapman, Parenting Coordinator
FCI, Dublin

"EFFECTIVE PARENTING BEGINS WITH ME"

Certificate of Completion

SPC Victorville, CA. Recreation Department

This is to certify that

M. Hernandez

has satisfactorily completed

Advance Aerobics Class

This certificate is hereby issued October 21, 2001

Recreation Specialist	Supervisor of Recreation
J. Latham	B. Myers

Certificate of Completion

CONGRATUALTIONS FOR COMPLETING:

SALSA CLASS-8.14.05-10.2.05

M. Hernandez

THIS AWARD IS PRESENTED TO:

M. Hazel

Sports Specialist, M. Hazel

Certificate of Completion

CONGRATUALTIONS FOR COMPLETING:
MERENGUE CLASS-8.13.05-10.1.05

Marie Hernandez

THIS AWARD IS PRESENTED TO:

M. Hazel

Sports Specialist, M. Hazel

CERTIFICATE OF PARTICIPATION

PRESENTED TO

MARIA HERNANDEZ

FOR YOUR PARTICIPATION IN F.P.C. VICTORVILLE'S
BEGINNING CERAMIC PROGRAM.

A. Pittman, Recreation Specialist

G. Torres, Supervisor of Recreation

Certificate of Completion

SPC Victorville, CA. Recreation Department

This is to certify that

M. Hernandez

has satisfactorily completed

Beginners Drawing Class

This certificate is hereby issued October 21, 2001

Recreation Specialist	Supervisor of Recreation
J. Latham	B. Myers

Certificate Of Achievement

Mary Hernandez

has been selected as

Student of the Month

Given at FPC Phoenix this 8th day of May, 2000

Julie Willekens, Teacher

Karrie Martin, S.O.E.

Certificate of Completion

This certifies that

Maria C. Hernandez

has successfully completed

GENERAL EDUCATIONAL DEVELOPMENT

Awarded by the

EDUCATION DEPARTMENT

This 15th day of January 1999

Teacher

Supervisor of Education

Certificate

MARIA CONCHITA HERNANDEZ

has successfully completed a course in

LIVING FREE

MARCH 26, 1999

MARCH 26, 1999

JOSE A. NIEVES

Certificate of Completion

Awarded to

Marie Hernandez-Conchita

THANK YOU FOR YOUR COOPERATION IN HELPING THE UNIT TEAM MAINTAIN HIGH SANTATION IN UNIT E/F. YOUR POSITIVE, CHEERFUL, AND COOPERATIVE DISPOSITION IS AN ASSET TO THE UNIT.

THANK YOU!

for successful completion of

The Essentials of High Self-Esteem

Dublin, California

November 30, 1997

Date

Jeanette Jackson, Case Manager
Group Coordinator

Certificate of Achievement

awarded to

Marie Hernandez

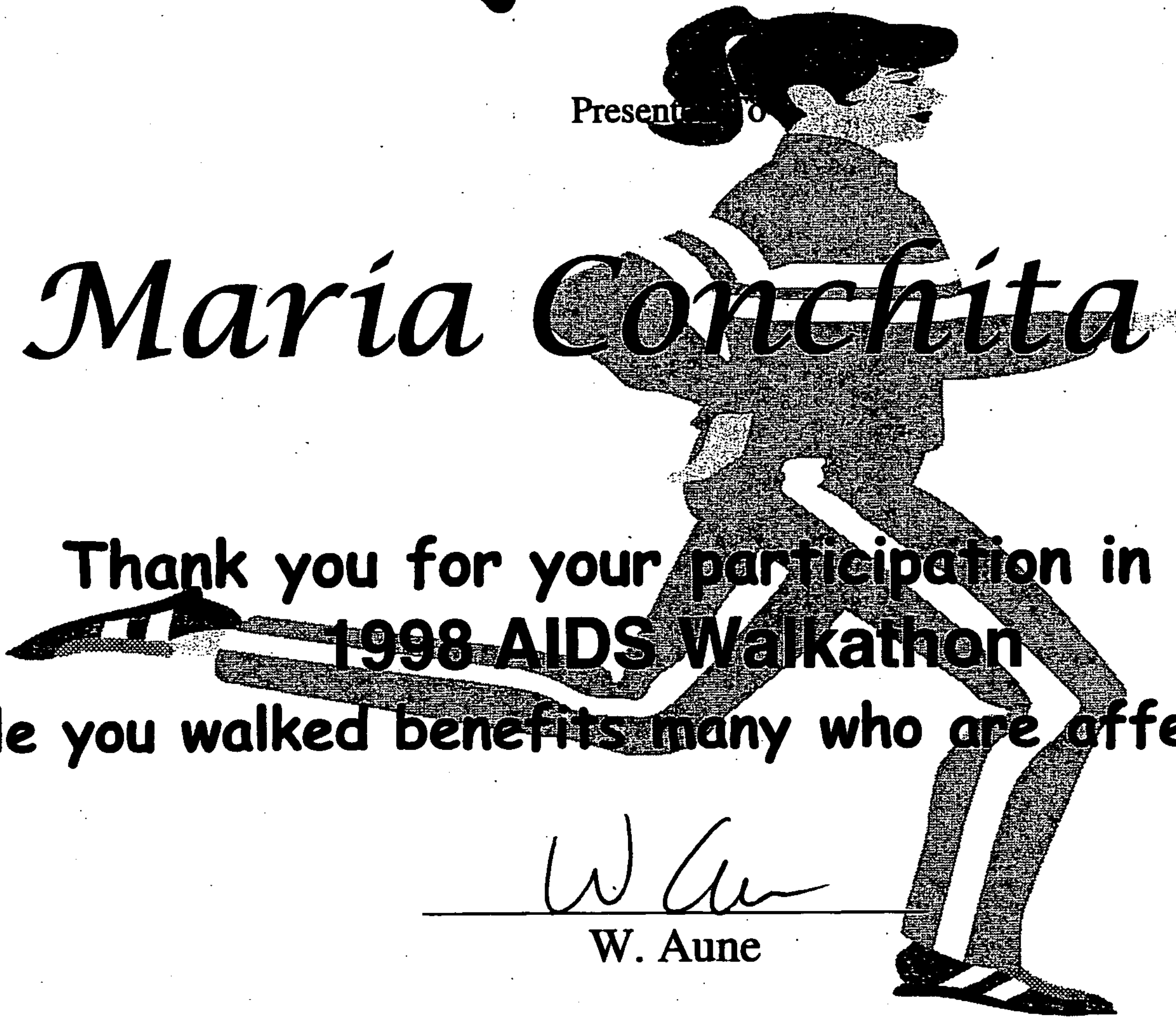
Description of Achievements

This Certificate of Completion hereby certifies that, the above-named individual has completed all requirements of the Keyboarding Skills 1 Course. She completed all required courses with a final typing speed of 28 gwam given this 30th day of March 2002.

Instructor

Supervisor of Education

IN APPRECIATION



Presented to

Maria Conchita H

Thank you for your participation in the

1998 AIDS Walkathon

Each mile you walked benefits many who are affected by HIV.

W. Aune

CERTIFICATE OF COMPLETION

PARENTING FROM A DISTANCE CLASS

Sept. 15, 1998

This certifies that

Maria Hernandez

has completed the 36 hour Parenting from a Distance Class "Padres a Distancia"

Lillian Boctor — Lillian Boctor

Maria Cornwell — Maria Cornwell

Jo Chapman — Jo Chapman
Parenting Coordinator
FCI / FPC - Dublin

CERTIFICATE OF ACHIEVEMENT

This is to certify that

MARIE HERNANDEZ

has completed 14 hours of

PARENTING FROM A DISTANCE

P. Hanson
Supervisor of Education

W. Jenkins
Assistant Supervisor of Education

M. Placker
Facilitator

Certificate of Completion

PARENTING Workshop

This certifies that

Maria Hernandez

Has completed the 3 hour Parenting Workshop:

"Violence in The Family"

August 12 1997

Jo Chapman

Jo Chapman, Parenting Coordinator
FCI, Dublin

"EFFECTIVE PARENTING BEGINS WITH ME"

Certificado de Conclusion

Esto Certifica Que

María Conchita Hernández

Ha Cumplido Satisfactoriamente
el Curso

" VIVIENDO LIBRE"

Marzo 26 de 1999

Jose A. Nieves
Drug Treatment Specialist

Certificate of Completion

PARENTING Workshop

This certifies that

Maria Conchita Hernandez

Has completed the 3 hour Parenting Workshop:

"Positive Discipline"

August 26, 1997

Jo Chapman

Jo Chapman, Parenting Coordinator
FCI, Dublin

"EFFECTIVE PARENTING BEGINS WITH ME"

Certificado de Reconocimiento

presentado a:

María Conchita Hernández

Por haber completado las 30 horas del curso "PECES"
Padres Eficaces Con Entrenamiento Systemático"
y por su dedicación y empeño en mejorar sus habilidades como Madre.
16 de Diciembre 1997

Jo Chapman
Facultad de Educación FCI Dublin

Cassandra Hernández-Vives
Educadora de la Salud

María Cornwell
Educadora de la Salud

Certificate of Achievement

FPC Victorville, CA. Recreation Department

This is to certify that

M. HERNANDEZ

at FPC Victorville Participated in

BEGINNERS CROCHET CLASS

This certificate is hereby issued January 24, 2002

Recreation Specialist
J. Latham

Supervisor of Recreation
B. Myers

Certificate of Completion

PARENTING workshop

This certifies that

Maria Hernandez

Has completed the 3 hour Parenting workshop on:

"Women's Health"

July 29, 1997

Jo Chapman, Parenting Coordinator
FCI, Dublin

"EFFECTIVE PARENTING BEGINS WITH ME"

CERTIFICATE OF ACHIEVEMENT

This is to certify that

MARIE HERNANDEZ

has completed 14 hours of

PARENTING FROM A DISTANCE

P. Hanson
Supervisor of Education

W. Jenkins
Assistant Supervisor of Education

M. Placker
Facilitator

Certificate of Completion

PARENTING Workshop

This certifies that

Maria Conchita Hernandez

Has completed the 3 hour Parenting Workshop:

"Hard Questions Children Ask"

September 2, 1997

Jo Chapman

Jo Chapman, Parenting Coordinator
FCI, Dublin

"EFFECTIVE PARENTING BEGINS WITH ME"

Certificate of Completion

Parenting Workshop

This certifies that

Maria C. Hernandez

Has completed the 3 hours Parenting Workshop on:

"Setting Goals for Yourself and Your Children in 2000"

Jo Chapman
Jo Chapman, Parenting Coordinator
FCI/FPC-Dublin

December, 22, 1999

"EFFECTIVE PARENTING BEGINS WITH ME"

Certificate of Completion

SPANISH PARENTING WORKSHOP

This certifies that

Maria Hernandez

Has completed the 3 hour Parenting Workshop:

"Good Communication With Children
Part 1"

January 13, 1998

Jo Chapman

Jo Chapman, Parenting Coordinator
FCI, Dublin

"EFFECTIVE PARENTING BEGINS WITH ME"

Certificate of Completion

SPANISH PARENTING WORKSHOP

This certifies that

Maria Conchita Hernandez

Has completed the 3 hour Parenting Workshop:

"Good Communication With Children Part 2"

January 20, 1998

Jo Chapman

Jo Chapman, Parenting Coordinator
FCI, Dublin

"EFFECTIVE PARENTING BEGINS WITH ME"

Certificate of Completion

Presented To

Maria Hernandez

For

Completion of Libro Fracciones Mapa

January 1, 1998

Instructor

Certificate of Completion

This certifies that

Marie Hernandez

is awarded this Certificate for

BASIC DRAPERY TECHNIQUES

awarded by the

UNICOR

Pre-Industrial Training Program

This 4TH day of NOVEMBER, 1998

Pre-Industrial Training Instructor

Factory Manager

LOMA LINDA UNIVERSITY CHILDREN'S HOSPITAL

EXTENDS ITS APPRECIATION TO

Marie Hernandez

FOR HER CONTRIBUTION

IN HELPING TO

BRIGHTEN THE LIFE OF A CHILD

March 2007

Patti Cotton Pettis
Executive Director
Loma Linda University Children's Hospital Foundation

Joanna DeLeon
Director
Loma Linda University Children's Hospital Foundation

BP-S571 PROGRAM REVIEW REF .RM
JAN 99
U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS

INSTITUTION FCI-Dublin	DATE 6-3-1999
INMATE NAME Hernandez, Marie	REG. NO 70625-198
Type of Review: ___ Initial Classification; X Program Review	Qtr. Assignment Unit D RM C110 3
Next Review Date 12/99	Sanitation EXCELLENT
Projected Release Date 05.04.2009	Release Method BOP Subst Abuse Trtmt Rel

CIM Review: DNA

Subject to notification under 18 U.S.C. 4042(b): (YES)/NO

X Conviction for a federal drug trafficking crime

___ Current conviction for a crime of violence

___ Past conviction for a crime of violence

Detainers/Pending Charges NO

Is notification required if Detainer is Dropped: ___ YES ___ NO DNA

CCC Recommendation

180 DAYS WHEN ELIGIBLE

Progress Made Since Last Review
✓ COMPLETED 500 HR SPANISH RDAP, 4/99 ✓ MAKING FRP PAYMENTS
✓ ENROLLED IN TRANSITIONAL SERVICES, 5/99 ✓ COMPLETED GED, 12/98

Work assignment Fabric 3	Performance Rating GOOD WORKER

Release Preparation Participation

NEEDS

FRP Plan/Progress

Participating

Incident Reports Since Last Program Review

NONE

(This forms may be replicated via WP) Replaces BP-S571.053 dtd Jun 96

Security Level	Custody Level	Date of Next Custody Review
Low	IN	12/99

Long Term Goals

Completed (500) Spanish RDAP, 4/99
Correctional Counseling workshop, 5/2009
V/T Business courses, 5/2009
Complete FRP, 5/2009
GED completed, 12/98

Goals for Next Program Review Meeting

Continue enrollment in Spanish transitional services, 12/99.
Continue FRP, 12/99.
V/T Business courses of choice, 12/99.
Enroll "Parenting" workshops, 12/99.
Continue Religious/Recreational programs of choice, 12/99
Continue A/A meetings 12/99

Other Inmate Requests/Team Actions

Inmate would like to know if eligible to transfer to FPC-Phoenix

~~Saving~~ Save money for release
Review 407 & 408 Y/N

[signature]

Signatures M. Martinale

Unit Manager	Inmate
Donald C Kontz	X Mario Hernandez
Date 6-3-99	Date 6-3-99

BP-E148.070
APR 94

INMATE REQUEST TO STAFF MEMBER

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

Date 7/24/02

To: Ms Williams
(Name and Title of Officer)

SUBJECT: State completely but briefly the problem on which you desire assistance and what you think should be done (Give details).

Indictment & Judges decision paperwork

Thank you,

(Use other page if more space is needed)

Name Maria Hernandez No.: 70625-198

Work Assignment UNICOR Unit G.N

NOTE: If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action being taken.

This section to be completed by staff member

DISPOSITION : Date 7/24/02

J+C Attached

L. Williams
Officer

Record Copy - File; Copy - Inmate

Replaces BP-148 of OCT 86

70625170 23

FILED

MAR 25 1997

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

RECEIVED

MAR 26 2 29 PM '97

U.S. MARSHAL SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

vs

MARIA CONCHITA HERNANDEZ (1)

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

CRIMINAL CASE NO. 96-1262-J

RICHARD RODRIGUEZ
Defendant's Attorney

THE DEFENDANT:

X was found guilty on count(s) ONE THROUGH EIGHT OF THE SUPERSEDING INDICTMENT.
after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

TITLE & SECTION	NATURE OF OFFENSE	COUNT NUMBER(S)
21 USC 952,960,963	CONSPIRACY TO IMPORT AMPHETAMINE, MARIJUANA AND HEROIN	1
21 USC 952,960;18:2	AIDING AND ABETTING IMPORTATION OF AMPHETAMINE	2
21 USC 952,960;18:2	AIDING AND ABETTING IMPORTATION OF MARIJUANA	3
21 USC 952,960;18:2	AIDING AND ABETTING IMPORTATION OF HEROIN	4
21 USC 846,841(a)(1)	CONSPIRACY TO POSSESS METHAMPHETAMINE, MARIJUANA, AND HEROIN WITH INTENT TO DISTRIBUTE	5
21 USC 841(a)(1);18:2	AIDING AND ABETTING POSSESSION OF AMPHETAMINE WITH INTENT TO DISTRIBUTE	6
21 USC 841(a)(1);18:2	AIDING AND ABETTING POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE	7
21 USC 841(a)(1);18:2	AIDING AND ABETTING POSSESSION OF HEROIN WITH INTENT TO DISTRIBUTE	8

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

X UNDERLYING INDICTMENT (is) dismissed on the motion of the United States.
X Pursuant to 18 USC 3013 an assessment is hereby levied in the amount of $ 800.00 which shall be due immediately.
X It has been determined that the defendant is unable to pay a fine.

It is further ordered that the defendant shall notify the United States Attorney for this district within thirty days of any change of residence or mailing address until all fines, restitution, costs and special assessments imposed by this Judgment are fully paid.

I hereby attest and certify on 3/27/97
That the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.
ROBERTA WESTDAL
, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
By ____ Deputy

MARCH 24, 1997
Date of Imposition of Sentence

NAPOLEON A. JONES, JR.
United States District Judge

96cr1262

DEFENDANT: MARIA CONCHITA HERNANDEZ (1)
CASE NUMBER: 96-1262-J

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 188 MONTHS CONCURRENT AS TO COUNTS 1,2,4,5,6 AND 8; 60 MONTHS CONCURRENT AS TO COUNTS 3 AND 7.

☐ The Court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the U.S. Marshal for this district

- ☐ at ______ a.m./p.m. on ______________________.
- ☐ as notified by the Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

- ☐ before 2 p.m. on ______________________.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on 5/9/97 to FCI DUBLIN at ______________________, with a certified copy of this judgment.

UNITED STATES MARSHAL

By ______________________
Deputy Marshal

S. Miller, Lt

I certify that I received this court order/writ on 04-30-97 and partially executed same 0906 by delivering the body of the within named defendant from airlift DTE0026 to LAS at LAS

THOMAS E. LITTLE, JR.
CHIEF, AIR OPERATIONS
BY: Rosa Martinez a.s.o.

DEFENDANT: MARIA CONCHITA HERNANDEZ (1) JUDGEMENT PAGE 3 OF 4
CASE NUMBER: 96-1262-J

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 10 YEARS CONCURRENT AS TO COUNTS 1,4,5 AND 8; 3 YEARS CONCURRENT AS TO COUNTS 2,3,6 AND 7.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.
The defendant shall not illegally possess a controlled substance.
For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

____ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

X The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have adopted by this court (set forth below). The defendant shall comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4) the defendant shall support his or her dependents and meet other family responsibilities;
5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
7) the defendant shall refrain from excessive use of alcohol;
8) the defendant shall not frequent places where controlled substances are illegally sold, used, distribute or administered;
9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev 3/95) Sheet 3 - Supervised Release

DEFENDANT: MARIA CONCHITA HERNANDEZ (1) PAGE 4 OF 4 CASE NUMBER: 96-1262-J

SPECIAL CONDITIONS OF SUPERVISION

__X__ Not possess firearms, explosive devices, or other dangerous weapons.

__X__ Submit to a search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer;

__X__ Participate in a program of drug or alcohol abuse treatment including urinalysis testing and counseling as directed by the probation officer.

__X__ If deported, excluded, or allowed to voluntarily return to Mexico, not reenter the United States illegally and report to the Probation officer within 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion, or voluntary departure.

__X__ Report all vehicles owned or operated, or in which you have an interest, to the Probation Officer.

~~PETITION FOR COMMUTATION OF SENTENCE (PRINT OR TYPE LEGIBLY)~~ CDFRM
OPA-6 APRIL 1994

Relief sought (check one)
☒ Reduction of Prison Sentence Only ☐ Reduction of Prison Sentence and Remission of Fine
☐ Remission of Fine Only ☐ Other ____________

TO THE PRESIDENT OF THE UNITED STATES:

PETITIONER, Maria (First Name) Conchita (Middle) HERNANDEZ (Last), a Federal prisoner,

Reg. No. 70625-198, confined in the Federal Institution at Victorville Prison Camp, in seeking a commutation of sentence, states that he was born on February 14, 1955, and has Social Security No. 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 (If not a United States citizen, indicate country of citizenship: ____________.)

PETITIONER was convicted on a plea of Not Guilty (guilty, not guilty, nolo contendere) in the United States District Court for the Southern District of California of the crime of:

(Describe the offense(s) of which you were convicted; provide citation of statute(s) violated, if known.)

21 USC 846, 841 (a) (1) Conspiracy to possess methamphetamine, Marijuana and Herion
21 USC 952, 960, 963 Conspiracy to Import Amphetamine, Marijuana and Herion
21 USC 952, 960, 18:2 3 counts-Aiding and abetting importation of Amephetamine, Marijuana and Herion.
21 USC 841 (a)(1) 18:2 3 counts aiding and abetting possession with intent to distribute

involving the following circumstances: My common Law Husband- Socorro CABRERA-Borja
(Describe accurately what you did, including your role in the offense.)
Pled Guilty to all 8 counts as he was the person arrested, I was not with him when all of the above happened. I refused to testify against him and pled Not Guilty I was not given a Jury Trial or ever offered any plea agreement and since I speak and understand very little english I did not know my rights were being violated. I was not convicted by a Jury of my peers but from that of a Judge's decision, which again I did not know my constitional rights were being violated because I would not Testify against my Husband. I pray that this Board will see the unjust way in which my case was handled and consider the Six years that I have already served as time served so I may return home to my Children. I was also told that the Attorney hired for me had filed an appeal for me and later found out he did not, all of this was not right

and was sentenced on March 24, 1997, to imprisonment for 188 Months (length of sentence)

and/or to pay a (☒ fine ☐ restitution) of $ 800.00 (check one - do not include special assessment) and/or to supervised release or special parole for ____________ (length of sentence) and/or probation for 10 years concurrent as to Ct 1,4,5, and 8; 3 years concurrent as to Cts 2, 3, 6 and 7 (length of sentence)

My (☒ fine ☐ restitution) (☒ has ☐ has not) been paid; the balance owed is $ -0- .

PETITIONER began the service of his sentence on September 9, 19 96. He will be released from his confinement on May 4, 2009. If eligible for parole, he (☐ was ☐ will be) eligible on ____________, ____, and his application for parole was (☐ granted ☐ denied).

If your conviction or sentence was appealed or otherwise challenged, complete the following paragraph:

PETITIONER appealed to the United States Court of Appeals, where the judgment was affirmed on ______________, ____. A petition for a writ of certiorari (☐ was ☐ was not) sought from the Supreme Court, and (☐ granted ☐ denied) on ______________, _____. Petitioner (☐ did ☒ did not) challenge his conviction or sentence under 28 U.S.C. §2255 (habeas corpus. (Provide citations to court opinions, if known: (was informed that the time frame to file an appeal or a 2255 has passed, which I was unaware.)

In this paragraph, list every arrest, either as a juvenile or an adult, whether or not resulting in a conviction. For each incident list date, nature of offense charged, law enforcement authority involved, location, and disposition, if known.

PETITIONER'S criminal record, other than the instant offense, is as follows:

6-19-90 11483/10980 (c)(2) WI, Obtaining Aid by Fraud; 10980 (g) WI, obtaining Food Stamps by Fraud; 118 PC, Perjury, Santa Ana SO, Docket #90CF01502- Santa Ana Muni. 7-16-90 P/G to Cts 1,2 & 3- DISMISSED Sent. to 3 yrs formal prob, 40 hrs community ser. According to the complaint the defendant acquired in excess of $400. in welfare assistance.

4-17-96 11360 (a) & 11359 H & S, Transport of Marijuana and Poss of Marijuana for Sale; U.S. Customs Service, San Diego, CA Docket # SF105187 San Diego Sup.Ct. 5-23-96 P/G to Ct. 2 sent 3 yrs Probation.

PETITIONER respectfully prays that he be granted clemency for the following reasons:

My constitutional rights were violated when I was not allowed a Jury Trial and the fact the government knew that I did not speak or understand English and proceeded with this case knowing that I did not understand anything. The facts were I was not present during the arrest and my Husband is serving time for this offense as he pled Guilty and I was not Guilty of the crime outlined in the indictment. I respectfully pray this Clemency Board reviews all of these facts and considers the time that I have already served and grants this clemency as "Time Served" so that justice will prevail in this case.

I have attached my last program review from the prison for your review as to my good conduct with clear conduct since my incarceration.

The statements contained herein are true to the best of my knowledge and belief, and I understand that any misstatements of material fact contained herein may subject me to criminal prosecution and/or cause adverse action on my petition for executive clemency.

Date 9-24-02	Signature of Petitioner Maria C. Hernandez

If space is insufficient, additional pages may be added. Letters and/or other supporting material may be submitted with petition.